



2008 FEB 20 PM 3:05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Filippini et al.

Art Unit: 2877

Application No: 10/501,935

Examiner: F. L. Evans

2252

Confirmation No: 3448

Filed: February 7, 2002

Atty. Docket No: 35947-205789

For: METHOD AND SYSTEM FOR CHEMICAL OR
BIOCHEMICAL ANALYSIS OF A TARGET
ANALYTE IN A TARGET ENVIRONMENT

Customer No:

26694

PATENT TRADEMARK OFFICE

REQUEST FOR REFUND

Commissioner for Patents
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Sir:

Please refund \$225.00 to Deposit Account No. 22-0261. The U.S. Patent and Trademark Office erroneously charged the deposit account on May 2, 2006, for an extension for response within second month. We received an Office Communication issued on March 16, 2006. We filed a Response to the Communication on March 22, 2006. The next PTO communication received was a Notice of Allowance, which was filed accordingly. We hereby submit a copy of the initial PTO stamped Filing Receipt, in addition to a copy of the Office Communication along with the Response. Hence, please refund the above amount, and notify the undersigned accordingly. If the amount is not refunded, the Office is respectfully requested to provide an explanation for the charges.

Respectfully submitted,

Date:

2/19/08

Eric J. Franklin, Reg. No. 37,134
Attorney for Applicant
Venable LLP
575 Seventh Street, NW
Washington, DC 20004
Telephone: 202-344-4936
Facsimile: 202-344-8300



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Requested Statement Month:

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DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	264	78851386	61173-229955	7001	\$325.00	\$62,416.1
04/03	294	78851398	61173-229956	7001	\$325.00	\$62,091.1
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04/03	587	78851579	31322-229928	7001	\$1,300.00	\$59,991.1
04/03	122	60787225	51402-229904	1005	\$200.00	\$59,791.1
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04/03	94	11312840	41557-226866 RK	1111	\$500.00	\$58,531.1
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04/03	54	09935610	37112-173148	2402	\$250.00	\$57,956.1
04/03	170	11391387	32011-229743	8021	\$40.00	\$57,916.1
04/03	5	10501935	35947-205789	2252	\$225.00	\$57,691.1
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04/03	150	10909382	42339-203246	1202	\$200.00	\$54,231.1
04/03	151	10909382	42339-203246	1201	\$400.00	\$53,831.1



UNITED STATES PATENT AND TRADEMARK OFFICE

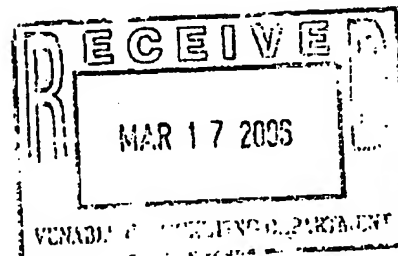
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,935	07/21/2004	Daniel Filippini	35947-205789	3448
26694	7590	03/16/2006		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998				
			EXAMINER EVANS, FANNIE L	
			ART UNIT 2877	PAPER NUMBER

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Resp to Incomplete Resp dated 12/15/05
DOCKETED
CLIENT/MATTER # 205789 ATTY EJF 2WK mdr
DUE DATE 4/15/2006 4/1/2006
FINAL DEADLINE 6/15/2006
DKTED BY MR T Hart





Interview Summary

Application No.

10/501,935

Applicant(s)

FILIPPINI ET AL. 

Examiner

F. L. Evans

Art Unit

2877

All participants (applicant, applicant's representative, PTO personnel):

(1) F. L. Evans (primary examiner).

(3) _____.

(2) Eric J. Franklin (attorney of record).

(4) _____.

Date of Interview: 09 March 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 5, 9 and 26.

Identification of prior art discussed: NONE.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

131951

Venable Filing Number



Attorney/L...: EJF/ksf
 PTO Due Date: _____
 Date Filed: March 22, 2006
 TM Official
 Gazette Date: _____

Atty. Docket No: 35947-205789Re: FILIPPINI et al.Application No: 10/501,935Appl'n Filing Date: July 21, 2004

Patent No.: _____

Issue Date: _____

Trademark: _____

Trademark

Reg. No: _____

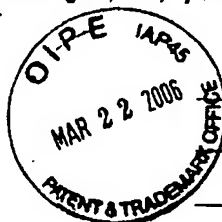
Opposition/Cancellation
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The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

- ☒ Transmittal Form
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☐ Invention Declaration
☐ U.S. National Stage Application of PCT Application
☐ Translation of International Application
☐ New U.S. TM Application (specimens)
☐ Rule 53(d) Continued Prosecution Application
☐ Substitute Specification
☐ Rule 53(b) Continuation or Divisional Application (attach copy of specification, claims, drawings & declaration)
☐ Priority Document-Cert. Copy of Appln.#: _____; Country _____
☐ Date Filed: _____
☐ Request for Continued Examination (RCE) under 37 CFR 1.114
☐ Request for Reconsideration
☐ Application Data Sheet
☐ Assignment w/Cover Sheet
☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449 (References)
☐ AMENDMENT
☐ Amendment/☐ Preliminary Amendment
☐ Petition For Extension Of Time
☐ Notice of Appeal
☐ Appeal Brief (in triplicate)
☐ Reply Brief (in triplicate) ☐ Request for Oral Hearing
☐ Confirmation of Hearing Petition
☐ Issue and Publication Fee Transmittal
☐ Certificate of Correction
☐ Maintenance Fee Transmittal
☐ Revocation and Power of Attorney
☒ Response to Communication issued March 16, 2006
☐ Response to Notice to File Missing Requirements
☐ Response to Restriction Requirement
☐ Petition to Revive
☐ Sequence Listing - CDR Enclosed? ☐ Yes ☐ No
☐ Status Inquiry
☐ Request for Non-Publication
☐ Request to Rescind Non-Publication Request
☐ Notice of Opposition (Please list all documents in Other section)
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_____ Filing Fee
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/501,935
Filing Date	July 21, 2004
First Named Inventor	FILIPPINI <i>et al.</i>
Group Art Unit	2877
Examiner Name	F. Evans
Attorney Docket Number	35947-205789

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application
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<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name		*26694*
		26694
		PATENT TRADEMARK OFFICE
Signature	Eric J. Franklin, Reg. No. 37,134	
Date	March 22, 2006	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450b on this date:

Typed or printed name

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ATTORNEYS AT LAW

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UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Filippini et al.

Application No.: 10/501,935

Filed: July 21, 2004

:
:
: Attorney Docket: 35947-205789
:
: Art Unit: 2877
:
: Examiner: F. Evans

For: METHOD AND SYSTEM FOR CHEMICAL OR BIOCHEMICAL ANALYSIS OF A
TARGET ANALYTE IN A TARGET ENVIRONMENT (as amended)

RESPONSE TO COMMUNICATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the telephone interview of March 9, 2006 with the Examiner, please amend
the above-referenced application as follows:

In the Specification:

Please amend the specification as follows:

Page 4, third full paragraph:

In this way the display already used to visualize results and to provide a user interface required in all of these computerized techniques, may become a large area light source with configurable properties able to supply all the techniques simultaneously. According to one embodiment, a color, size, shape, modulation and background color of an illuminating area are configured through a user interface.

Paragraph bridging pages 12 and 13:

FIG. 7. Programmed screen assisted VIS spectroscopy for color identification of chemically sensitive arrays. The same display used as control interface provides colored light according to FIG. 5, in selected regions of the screen facing individual elements of the sample array. For instance, a glass substrate 71 is suspended on a portion of the screen 72. On this glass substrate a DNA labeled array 73 face the screen and on the other side of the substrate a single large area photodetector 74 is arranged covering the entire area of the DNA labeled array. The photodetector delivers its signals to an electronic interface 75 that delivers the signal to the computer 76. The screen under the glass substrate constitute a large area light emitting window 77, that in turn can illuminate the different elements of the array (one at time) with modulated

multiple wavelength light. For each element on the glass substrate a multi-wavelength spectral response can be recorded. The resulting spectra are displayed in the same computer screen.

According to one embodiment, displaying test results includes displaying a chemical or biochemical image using a photocurrent color coded scale. Expert evaluation of data and array interpretation can be provided by the computer itself or on line via internet. Additionally, if necessary it is possible to focus the light from the screen using diffractive or refractive lenses between the screen and the sample. According to one embodiment, a magnifying lens is arranged between the test sample and the detector.

Remarks

Applicant has amended the specification to insert language recited in claims 5, 9, and 26, which were present in the application as originally filed.

The Examiner has asserted that claims 5, 9, and 26 are not supported by the specification. Applicants have amended the specification to include language recited in these claims. Applicants have previously described in detail portions of the specification that to, in fact, support the language of these claims. Applicants do not acquiesce to this rejection but have amended the specification to advance the prosecution of this application.

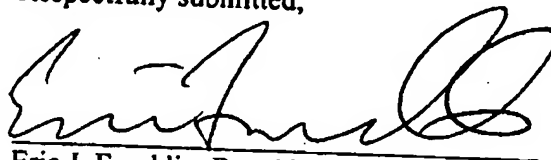
Applicants submit that this case is now in condition for allowance and respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date:

3/22/06



Eric J. Franklin, Reg. No. 37,134
Attorney for Applicants
Venable LLP
575 7th Street, NW
Washington, DC 20004
Telephone: 202 344 4936



Dep 3 Ref

PTO/SB/21 (01-08)

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Application Number

Patent#: 7,092,089

Filing Date

Issued: August 15, 2006

First Named Inventor

Daniel Filippini

Art Unit

2877

Examiner Name

F. L. Evans

Attorney Docket Number

35947-205789

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

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☐ After Allowance Communication
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Remarks

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Firm Name

VENABLE LLP

Signature

Printed name

Eric J. Franklin

Date

February 19, 2008

Reg. No.

37,134

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